

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRIAN JOE COURTER, COURTER AND
SONS LLC, DIANE M. HOOPER, THOMAS
MCGEE, and CANDRA E. EVANS,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

CYTODYN INC., NADER Z. POURHASSAN,
MICHAEL MULHOLLAND, and SCOTT A.
KELLY,

Defendants.

No. 3:21-cv-05190-BHS

**STIPULATED MOTION AND
ORDER AMENDING
BRIEFING SCHEDULE**

NOTE ON MOTION CALENDAR:
August 17, 2022

STIPULATED MOTION AND ORDER AMENDING
BRIEFING SCHEDULE
(3:21-cv-05190-BHS)

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STIPULATION

IT IS HEREBY STIPULATED by and between the parties, Lead Plaintiff Brian Joe Courter and Courter and Sons LLC ("Courter"); Named Plaintiffs Diane M. Hooper, Thomas McGee, and Candra E. Evans (together with Courter, "Plaintiffs"); and Defendants CytoDyn Inc. ("CytoDyn"), Nader Z. Pourhassan, Michael Mulholland, and Scott A. Kelly ("Defendants") as follows:

Pursuant to a Stipulated Motion and Order dated April 20, 2022 ("Agreed Order") (Dkt. 101), Plaintiffs filed a Second Amended Class Action Complaint for Violations of the Federal Securities Laws ("Second Amended Complaint") (Dkt. 103) on June 24, 2022. Among other things, the Agreed Order established August 23, 2022 as the deadline for Defendants to respond to the Second Amended Complaint, and a schedule for briefing regarding any motions to dismiss Defendants may file.

The parties hereby advise the Court that they have engaged a private mediator and are scheduled to mediate Plaintiffs' claims on September 29, 2022. The parties have conferred and, in recognition of the upcoming mediation, Defendants have requested and Plaintiffs have agreed to extend the deadline for Defendants to respond to the Second Amended Complaint until after the mediation. The parties propose to submit a status report to the Court within one (1) week of the scheduled mediation date; in the event the mediation is not successful, the parties will include in their status report a proposed schedule for Defendants' response to the Second Amended Complaint and for briefing any motions to dismiss Defendants may file.

Accordingly, the parties respectfully move and hereby stipulate that the Court vacate the currently existing deadlines for Defendants to respond to the Second Amended Complaint and for briefing any motions to dismiss, pending the outcome of the parties' upcoming mediation.

Dated: August 17, 2022

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Plaintiffs Diane M. Hooper, Thomas McGee,
and Candra E. Evans, and Lead Counsel for
the Putative Class*

ORDER

THIS MATTER coming before this Court on the above stipulation between the parties, IT IS HEREBY ORDER, ADJUDGED, AND DECREED THAT the currently existing deadlines for Defendants to respond to the Second Amended Complaint and for briefing any motions to dismiss are hereby vacated. The parties shall submit a status report to the Court within one (1) week of the scheduled mediation date. In the event the mediation is not successful, the status report shall include a proposed schedule for Defendants' response to the Second Amended Complaint and for briefing any motions to dismiss Defendants may file.

IT IS SO ORDERED.

Dated this 19th day of August, 2022.



BENJAMIN H. SETTLE
United States District Judge

Presented by:

DAVIS WRIGHT TREMAINE LLP

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Counsel for Defendants

CERTIFICATE OF SERVICE

The undersigned attorney certifies that on the 17th day of August 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel on record in the matter.

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